

### REMARKS/ARGUMENTS

Claims 1, 7, 12, 17, 18, and 33 are amended. Claim 21 is canceled. Claims 23-32 are withdrawn as a result of an earlier restriction requirement. Claims 1-20, 22 and 33-35 remain in the application.

Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and discussion below.

Claims 1, 7, 12 and 17 have been amended to recite that ends of first and second bottom chord members are fixed directly to the top chord members adjacent the free ends of the connected top chord members, such that the second bottom chord member is spaced from the first bottom chord member. Support for this amendment can be found, for example, in FIG. 1 of the specification.

Claims 18 and 33 have been amended so as to incorporate the elements of canceled claim 21. Specifically, claims 18 and 33 have been amended to recite that means for connecting the second bottom chord member to the first bottom chord member includes at least one tensile element connected between the first and second bottom chord members. This point of connection of the tensile element to the first bottom chord member is spaced from the point of connection of an at least one web member to the first bottom chord member.

Claims 1-3, 5, 17-21 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Macomber (2457056) for primarily the same reasons as in a first Office Action in this application. Claims 7-10 and 12-15 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Macomber (2457056) in view of Ruppel (2201504) for primarily the same reasons as in the same first Office Action in this application.

Applicants' gratefully acknowledge the interview granted by the examiner on May 16, 2007. During the interview, the amendments to independent claims 1, 7, 12 and 17 were discussed. Specifically, said claims now recite that the ends of the first and second bottom chord members are fixed directly to the top chord members adjacent the free ends of the top chord members. Applicant submitted that Macomber does not disclose a truss where the top chord and the uppermost bottom chord or lowermost bottom chord are directly joined. Rather, Macomber discloses the rafter beam connected to a series of vertically oriented struts. In Macomber, the uppermost bottom chord is attached to the top chord by means of vertically oriented struts. The lowermost bottom chord is connected to the uppermost bottom chord by means of vertically oriented load bearing plates, and to the top chord by means of vertically oriented end plates. Macomber does not disclose or describe the direct joining of both bottom chord members to the top chord members.

The examiner agreed during the interview that Macomber does not show the invention as claimed. Moreover, the amendment to claims 1, 7, 12 and 17 herein obviates the examiner's comments in her Office Action that direct joining of the top and bottom chords is not claimed.

Accordingly, Applicants submit that, since Macomber fails to show each and every element of the presently claimed invention, the reference cannot anticipate claims 1, 7, 12 and 17.

With respect to claims 18 and 33, Applicants have amended the claims to recite that at least one tensile element is connected between the first and second bottom chord members, and that this point of connection of the tensile element to the first bottom chord member is spaced from the point of connection of the at least one web member to the first bottom chord member. This feature is important in that it prevents a direct thermal path from being created from the lowermost bottom chord to the top chords. This feature is not disclosed in Macomber. In fact, the web members 14 and connectors between the bottom chords shown in Macomber create a direct thermal path between the top chords the lowermost bottom chord.

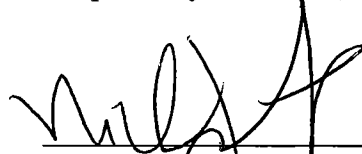
Since Macomber fails to show each and every element of the presently claimed invention, the reference cannot anticipate claims 18 and 33.

The remaining claims of the present application all depend from claims 1, 7, 12, 17, 18 and 33. In addition to the distinguishing features recited in said claims and discussed above, the present invention has additional advantageous features defined in the claims depending from said claims, which further distinguish the present invention over the prior art.

For the foregoing reasons, the Applicant respectfully submits that the metal truss claimed in the present application is not anticipated nor fairly taught or suggested by any of the references cited by the Examiner, either alone or in any reasonable combination suggested by the prior art. Reconsideration and withdrawal of the rejections and allowance of claims 1-20, 22 and 33-35 at an early date are respectfully requested.

If the Examiner has any questions about the present Amendment, a telephone interview is requested.

Respectfully submitted,



Michael G. Johnston  
Attorney for Applicants  
Registration No. 38,194  
Moore & Van Allen PLLC  
P.O. Box 13706  
Research Triangle Park, NC 27709  
Telephone: (919) 286-8000  
Facsimile: (919) 286-8199

Dated: 7-20-07